UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,409	10/03/2001	Matthew Shulman	213792	2545

23460	7590	04/21/2004

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EXAMINER
INGBERG, TODD D

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 04/21/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

●	Application No. ●	Applicant(s)
Office Action Summary	09/970,409	SHULMAN ET AL.
	Examiner	Art Unit
	Todd Ingberg	2124

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 January 2004_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _21-35_ is/are pending in the application.

    4a) Of the above claim(s) _1-20_ is/are withdrawn from consideration.

5)☒ Claim(s) _21,22 and 35_ is/are allowed.

6)☒ Claim(s) _23-25 and 32_ is/are rejected.

7)☒ Claim(s) _26-31,33 and 34_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim 35 has been added.

Claims 21 – 35 have been examined.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 23 – 25 and 32 rejected under 35 U.S.C. 102(b) as being anticipated by USPN #

5,557,730 Frid-Nelson.

Claim 23
Frid-Nilson anticipates a computer-readable medium whose contents cause a computer system to supplement a computer programming statement by performing the steps of: automatically displaying the computer programming statement(Frid, front of Patent the window showing the object contents to select from); and proximate to the display of an incomplete computer programming statement, automatically displaying a dynamic list of one or more textural programmatic entities (Frid, front of Patent select methods to compete statement – also see Figure 6A – Please take reference as a whole).

Claim 24
(Original) The computer-readable medium of claim 23. having further computer executable instructions for performing: receiving a user input selection of one of the displayed textual programmatic entities; and adding the selected textual programmatic entity to the displayed statement. As per claim 23.

Claim 25
(Previously Presented) A method for assisting a computer programmer in modifying a programming language statement, the method comprising: enabling a positionable cursor within a programming language editing tool: automatically generating a passive assist window in response to the location of the positionable cursor, the passive assist window containing-programming language statement information including at least one of selection menu information and information related to the programming language statement. As per claim 23.

Claim 32
(Previously Presented) A computer readable medium containing computer executable instructions to perform a method for assisting a computer programmer in modifying a programming language statement, the method comprising: enabling a positionable cursor within a programming language editing tool; and automatically generating a passive assist window in response to a location of the positionable cursor, the passive assist window containing

programming language statement information including, at least one of selection menu information and information related to the programming language statement. As per claim 23.

Allowable Subject Matter

2.   Claims 21 – 22 and 35 are allowed.

A terminal disclaimer has not been filed covering claim 35.

In order to avoid a Double Patenting rejection on claim 35 a Terminal Disclaimer covering all

the claims should be filed.

      Independent claims 21 and 35 are allowable over prior art with a combination of limitations that taken together or separate distinguish over prior art of record.

      As for claim 21 prior art of record is silent as to assisting user input and performing partial compiling in combination of having the passive assist window not obstructing current view of the statement.

Claim 21

(Original) A computer-readable medium containing computer-executable instructions to perform a method for assisting a computer programmer in real-time to modify a present programming language statement of a computer program. the method comprising: enabling a programming language editor having a character position cursor and a randomly positionable pointer; partially compiling available ones of a plurality of programming language statements in said computer program; defining a finite set of programming language statement information that is relevant to at least one segment of the present programming language statement from among said plurality of programming language statements that is proximate to said character position which allows modification of the programming language statement: and automatically generating a passive assist window that contains said finite set of programming language statement information in a location proximate to said character position cursor that does not obstruct the current view of said programming language statement.

      As for claim 35 the combination of claim limitations includes statement being active only when highlighted to enable the computer programmer to ignore the passive assist window. In terms of claim interpretation one of ordinary skill in the art familiar with Assignee's product Visual Basic 6.0 released well after the filing date understands the ability to ignore the passive assist window is not indefinite.

Claim 35

(New) A method for assisting a computer programmer in modifying a programming language statement, the method comprising: enabling a positionable cursor within a programming language editing tool; and automatically generating a passive assist window in

response to the location of the positionable cursor. the passive assist window containing programming language statement information including at least one of selection menu information and information related to the programming language statement. the selection menu information and information related to the programming language <u>statement being active only when highlighted to enable the computer programmer to ignore the passive assist window</u>.

3.   Claims 26 – 31, 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has several option on allowable subject matter on the following as indicated by the underlining.

Claim 26
(Previously Presented) The method of claim 25 <u>wherein the passive assist window generates and disappears independent of user intervention.</u>

Claim 27
(Previously Presented) The method of claim 25 <u>wherein the passive assist window permits a user typing the programming language statement to type through the programming language statement information. the passive assist window automatically altering the programming language statement information in response to the typing.</u>

Claim 28
(Previously Presented) The method of claim 25 <u>wherein the passive assist window further provides one or more entries for completing the programming language statement via automatic anticipation typing.</u>

Claim 31
(Previously Presented) The method of claim 25 <u>wherein the passive assist window is a pop-up window that disappears if ignored by a user.</u>

Claim 33
(Previously Presented) The method of claim 33 <u>wherein the passive assist window generates and disappears independent of user intervention.</u>

Claim 34
(Previously Presented) The method of claim 32 wherein <u>the passive assist window permits a user typing the programming language statement to type through the programming language statement information. the passive assist window automatically altering the programming language statement information in response to the typing.</u>

Correspondence Information

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Todd Ingberg** whose telephone number is (703) 305-9775. The

examiner can normally be reached during the following hours:

Monday	Tuesday	Wednesday	Thursday	Friday
6:15 – 1:30	6:15- 3:45	6:15 – 4:45	6:15-3:45	6:15-130

This schedule began December 1, 2003 and is subject to change.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Kakali Chaki** can be reached on (703) 305-9662. Please, note that as of August 4,

2003 the **FAX number** changed for the organization where this application or proceeding is

assigned is **(703) 872-9306**.

Also, be advised the United States Patent Office **new address** is

Post Office Box 1450

Alexandria, Virginia 22313-1450

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-9700.

Todd Ingberg
Primary Examiner
Art Unit 2124
April 19, 2004